

# City Council Agenda

Council President  
Clinton J. Olivier

Councilmembers

Oliver L. Baines III  
Andreas Borgeas  
Lee Brand

Sal Quintero  
Larry Westerlund  
Blong Xiong – Acting President

City Manager  
Mark Scott

City Clerk  
Yvonne Spence, CMC

City Attorney  
James C. Sanchez

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, sign language interpreters, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, please see Security.

The City Council welcomes you to the Council Chambers, located in City Hall, 2<sup>nd</sup> Floor, 2600 Fresno Street, Fresno CA 93721.

## August 23, 2012

### 8:30 A.M. ROLL CALL

Invocation by Pastor David Carothers of the Woodward Park Baptist Church

Pledge of Allegiance to the Flag

### Ceremonial Presentations:

Proclamation of "HAROLD DENNIS DAY" – Councilmember Quintero – **Read and presented**

Commendation to PARCS on their 2<sup>nd</sup> Annual Mosqueda Summer Pro AM - Councilmember Quintero –  
**Commendation made**

The agenda and related staff reports are available on ([www.fresno.gov](http://www.fresno.gov)) as well as in the Office of the City Clerk. The Council meeting can also be heard live at the same web site address, and viewed live on Cable Channel 96 from 8:30 a.m. and re-played beginning at 8:00 p.m.

**PROCESS:** For each matter considered by the Council there will first be a staff presentation followed by a presentation from the involved individuals, if present. Testimony from those in attendance will then be taken. All testimony will be limited to three minutes per person. If you would like to speak fill out a Speaker Request Form available from the City Clerk's Office and in the Council Chambers. The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker.

The green light on the podium will be turned on when the speaker begins. The yellow light will come on with one minute remaining. The speaker should be completing the testimony by the time the red light comes on and tones sound, indicating that time has expired. A countdown of time remaining to speak is also displayed on the large screen behind the Council dais.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Approve Council minutes of August 16, 2012

**Action Taken:** Approved

Approve Successor Agency minutes of August 16, 2012

**Action Taken:** Approved

Approve Fresno Revitalization Corporation minutes of August 16, 2012

**Action Taken:** Approved

Councilmember Reports and Comments

**Action Taken:** Made

Approve Agenda

**Action Taken:** Approved, as amended

Adopt Consent Calendar

**Action Taken:** Adopted

1. **CONSENT CALENDAR**

All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered as time allows.

- A. Approve the re-appointment of Kristi Lawrence to the Fresno Mosquito and Vector Control District – Mayor's Office

**Action Taken:** Approved

- B. **RESOLUTION** - Authorizing the Director of Aviation or other authorized representative to execute all implicated documentation for pre-application and application to the Federal Aviation Administration (FAA) for Airport Improvement Program (AIP) Grants for Federal Fiscal Years 2013 and 2014 for both Fresno Yosemite International Airport (FYI) and Fresno Chandler Executive Airport (FCH) as shown in the City's Fiscal Year (FY) 2013 Budget Capital Improvement Plan; acceptance of FAA AIP Grant(s) for FY 2013 and FY 2014 projects at both airports including all subsequent amendments thereto offered by the FAA; and application for and acceptance of grants and all subsequent amendments thereto offered by the California Department of Transportation Aeronautics Division for matching funds on FY 2013 and 2014 FAA-approved projects at the Fresno Chandler Executive Airport – Airports Department

**Action Taken:** Resolution No. 2012-147 adopted

- C. **RESOLUTION** - To direct staff to prepare documents necessary to expand the City of Fresno's State Enterprise Zone and authorize City Manager or his or her designee to sign and submit expansion documents to the California Department of Housing and Community Development - Development and Resource Management Department

**Action Taken:** Removed from the agenda

## 1. **CONSENT CALENDAR CONTINUED**

- D. \* **RESOLUTION** - 6th amendment to the Annual Appropriation Resolution (AAR) No. 2012-125 appropriating \$223,700 from the 2012 Byrne Justice Assistance Grant Program Award from the U.S. Department of Justice, Bureau of Justice Assistance **(Requires 5 affirmative votes)** – Police Department  
**Action Taken:** Resolution No. 2012-148 adopted
- E. Actions relating to the project which will extend its water transmission capability to deliver water from the Northeast Surface Water Treatment Facility to the central portion of the City's service **(Property located in District 4)** – Public Works Department
1. Adopt the findings made in staff's report and adopt the Mitigated Negative Declaration Number EA-A-09-02, by the City of Fresno, for the project which will extend its water transmission capability to deliver water from the Northeast Surface Water Treatment Facility to the central portion of the City's service area and to install a 30" transmission main beneath State Route 168 at N. Bonadelle Avenue and E. Alamos Avenue, one block south of Shaw Avenue and connecting on the east side of State Route 168 at the Dry Creek Canal and Chestnut Avenue  
**Action Taken:** Adopted
  2. Approve acquisition of a vacant parcel of land owned by Summerset Limited Inc., 4804 N. Bonadelle, APN 430-334-02 (see Exhibit A), in the amount of \$40,000.00, which is necessary for the installation of pipeline improvements for a 30" raw water transmission line; and authorize the Public Works Director, or his designee, to sign all documents necessary to complete the transaction  
**Action Taken:** Approved
- F. Actions pertaining to the sale of a small abandoned water well parcel located on the south side of Belmont Avenue and west of 7th Street **(Property located in District 7)** – Public Works Department
1. Adopt Finding of No Possibility of Significant Effect pursuant to CEQA Guidelines Section 15061(b) (3) and Categorical Exemption pursuant to CEQA Guidelines Section 15312 for the sale of a small abandoned water well parcel APN 460-033-17T, which is on the south side of Belmont Avenue and west of 7th Street, to the adjacent property owners Juan I. Molina and Mario J. Molina  
**Action Taken:** Adopted
  2. Approve the sale of a small abandoned water well parcel APN 460-033-17T, which is on the south side of Belmont Avenue and west of 7th Street, to the adjacent property owners Juan I. Molina and Mario J. Molina  
**Action Taken:** Approved
- G \* **BILL NO. B-17 – (Intro. 8/16/2012) (For adoption)** – Amending Article 7, Section 6, of the Fresno Municipal Code relating to administration and collection of transient occupancy tax and Tourism Business Improvement District Assessments – Finance Department  
**Action Taken:** Ordinance No. 2012-17 adopted

## **CONTESTED CONSENT CALENDAR**

## **GENERAL ADMINISTRATION**

- A. Actions pertaining to the Downtown Development Incentive Program - Development and Resource Management Department
1. Adopt the Downtown Development Impact Fee Forgiveness Incentive - **Adopted**
  2. Approve a Measure C Cooperative Agreement with the Fresno County Transportation Authority (FCTA) for the Downtown Development Impact Fee Forgiveness Incentive Program - **Approved**
  3. \* **RESOLUTION** - Approving the reallocation of \$381,500 in budgeted revenue in various Citywide impact fee funds for the Measure C Transit Oriented Development (TOD) Program Activity **(Requires 4 affirmative votes)**  
**Action Taken:** Resolution No. 2012-149 adopted

## **SCHEDULED COUNCIL HEARINGS AND MATTERS**

**10:00 A.M. CONTINUED HEARING** to consider the consolidation of Urban Growth Management (UGM) Oversize Sewer Service Areas No. 1 - 44 into a single UGM area-wide Oversize Sewer Service Area (*Property located in Districts 1 – 6*) – Public Works Department (*Continue to August 30, 2012 at 10:15 a.m.*)  
**Action Taken:** Continued as noted

**5:00 P.M. HEARING** initiating a General Plan update to allow for subsequent adoption of a 2035 Fresno General Plan; initiating of amendment or repeal of various Specific and Community Plans, repeal of Planning Guidelines and direction to Director to return with new proposed Planning Guidelines – Development and Resource Management Department

**Action Taken:** Held

a. **RESOLUTION:**

1. Initiating a General Plan update to allow for future adoption of a 2035 Fresno General Plan;
2. Initiating the amendment of the Fresno-Chandler Downtown Airport Master and Environs Specific Plan, Highway City Specific Plan, Fresno Air Terminal/Yosemite International Environs Area Specific Plan, Tower District Specific Plan, Butler-Willow Specific Plan, North Avenue Industrial Plan, Sun Garden Acres Specific Plan, Bullard Community Plan (which includes the Pinedale Neighborhood Plan and the Sierra Sky Park Land Use Policy Plan), and Hoover Community Plan (which includes the El Dorado Neighborhood Plan);
3. Initiating the repeal of the West Area Community Plan, Roosevelt Community Plan, Fulton/Lowell Specific Plan, Woodward Park Community Plan, Central Area Community Plan, Bullard Community Plan (which includes the Pinedale Neighborhood Plan and the Sierra Sky Park Land Use Policy Plan), McLane Community Plan, Hoover Community Plan (which includes the El Dorado Neighborhood Plan), Fresno-High Roeding Plan, Yosemite School Area Specific Plan, Dakota-First Street Specific Plan, Edison Community Plan Civic Center Master Plan;
4. Initiating repeal of Chapter 12 of the Fresno Municipal Code and the addition of Chapters 12 and 15 to the Fresno Municipal Code; and
5. Repeal of the Planning Guidelines adopted by the City Council pursuant to Fresno Municipal Code Section 12-607-A-8, and direction to the Director return to the City Council with new proposed Planning Guidelines

**Action Taken:** Resolution No. 2012-150 adopted, as amended

## **CITY COUNCIL**

## **CLOSED SESSION**

**PLEASE NOTE: SCHEDULED AND UNSCHEDULED COMMUNICATIONS ARE NOT SCHEDULED FOR A SPECIFIC TIME AND MAY BE HEARD ANY TIME DURING THE MEETING**

## **SCHEDULED COMMUNICATION –**

**UNSCHEDULED COMMUNICATION** – Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk's Office at least ten (10) days prior to the desired date. Council action on unscheduled items, if any, shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda.

## **SCHEDULED COUNCIL HEARINGS AND MATTERS**

<b>Aug.</b>	<b>30 -</b>	<b>10:00 A.M.</b>	<b>HEARING</b> re: Plan Amendment Application No. A-12-001: Approve amendment to the Fresno Yosemite International Airport Land Use Compatibility Plan, the 2025 Fresno General Plan, and the McLane, Hoover and Roosevelt Community Plans to incorporate Runway Safety Area Improvements to Runway 11L-29R and to update the noise and safety boundaries based on new airport projections
<b>Aug.</b>	<b>30 -</b>	<b>10:15 A.M.</b>	<b>CONTINUED HEARING</b> to consider the consolidation of Urban Growth Management (UGM) Oversize Sewer Service Areas No. 1 - 44 into a single UGM area-wide Oversize Sewer Service Area <b>(Property located in Districts 1 – 6)</b> – Public Works Department
<b>Aug.</b>	<b>30 -</b>	<b>5:00 P.M.</b>	<b>HEARING</b> re: approval of Draft General Plan for CEQA – Development and Resource Management Department
<b>Sept.</b>	<b>6 -</b>		<b>NO MEETING – COUNCIL VACATION</b>
<b>Sept.</b>	<b>13 -</b>		<b>NO MEETING – COUNCIL VACATION</b>
<b>Sept.</b>	<b>20 -</b>	<b>1:00 P.M.</b>	<b>HEARING</b> to adopt a resolution ordering the vacation of Sacramento Street northeast of the Fulton-Van Ness alley <b>(Property located in District 3)</b>
<b>Sept.</b>	<b>27 -</b>	<b>10:00 A.M.</b>	<b>HEARING</b> to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community Facilities District No. 11, Annexation No. 46 (Final Tract Map No. 5597)(Property located in District 1) (Northeast corner of N. Garfield and W. Barstow Avenues)